

Baker & Hostetler LLP
45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Kathryn M. Zunno
Esterina Giuliani

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Adv. Pro. No. 08-01789 (SMB)

Plaintiff,

SIPA Liquidation

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 09-01305 (SMB)

Plaintiff,

v.

ALVIN J. DELAIRE, JR., *et al.*,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL OF DEFENDANT
LINDA SCHOENHEIMER MCCURDY
FROM ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-*III*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendant Linda Schoenheimer McCurdy, by and through her counsel, McLaughlin & Stern LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On June 22, 2009, the Trustee commenced this adversary proceeding (the “Adversary Proceeding”) against, among others, Linda Schoenheimer McCurdy by filing his original complaint (ECF No. 1).
2. On October 8, 2009, the Trustee filed his First Amended Complaint (the “FAC”) in the Adversary Proceeding against, among others, Linda Schoenheimer McCurdy (ECF No. 82).
3. On July 21, 2009, defendant Linda Schoenheimer McCurdy filed an answer to the original complaint (ECF No. 13).
4. On December 1, 2009 defendant Linda Schoenheimer McCurdy filed an answer to the FAC (ECF No. 94).
5. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 (Case No. 08-01789, Dkt. No. 3181), the Parties entered into a Settlement Agreement and Release.
6. In accordance with Federal Rule of Bankruptcy Procedure 7041 and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of all of the Trustee’s claims against defendant Linda Schoenheimer McCurdy in the Adversary Proceeding.
7. The provisions of this Stipulation shall be binding upon and shall inure to the

benefit of the Parties and their respective estates, personal representatives, executors, administrators, heirs, successors and assigns, and upon all creditors and parties in interest.

8. This Stipulation may be signed by the Parties, through their counsel, in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

9. Upon the dismissal of defendant Linda Schoenheimer McCurdy, the caption of the Adversary Proceeding is hereby amended to delete defendant Linda Schoenheimer McCurdy from the caption. The amended caption shall appear as indicated in Exhibit A to this Stipulation.

Dated: October 2, 2017
New York, New York

BAKER HOSTETLER LLP

By: /s/ Esterina Giuliani
Esterina Giuliani
45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
Email: egigliani@bakerlaw.com
David J. Sheehan
Email: dsheehan@bakerlaw.com
Kathryn M. Zunno
Email: kzunno@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard,
Trustee for the Substantively Consolidated
SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and
the Estate of Bernard L. Madoff*

MCLAUGHLIN & STERN LLP

By: /s/ Bruce A Langer
Bruce A. Langer
260 Madison Avenue, 18th Floor
New York, New York 11530
Telephone: 212.803.1316
Facsimile: 212.448.0066
Email: blanger@mclaughlinstern.com
David W. Sass
Email: dsass@mclaughlinstern.com

*Attorneys for Defendant Linda
Schoenheimer McCurdy*

SO ORDERED this 2nd day of October 2017.

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
United States Bankruptcy Judge

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

Adv. Pro. No. 09-01305 (SMB)

ALVIN J. DELAIRE, JR., THE ESTATE OF
STANLEY MERWIN BERMAN A/K/A
STANLEY M. BERMAN, JONATHAN
GREENBERG, MORTON KURZROK,
RICHARD SPRING, JANE M. DELAIRE A/K/A
JANE DELAIRE HACKETT, CAROLE
DELAIRE, JOYCE BERMAN INDIVIDUALLY
AND IN HER CAPACITY AS EXECUTOR OF
THE ESTATE OF STANLEY MERWIN
BERMAN A/K/A STANLEY M. BERMAN,
S & J PARTNERSHIP, THE SPRING FAMILY
TRUST, and JEANNE T. SPRING TRUST,

Defendants.